

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

(1)	STRIKE, LLC,	)	
		)	
	Plaintiff,	)	
v.		)	
		)	
(1)	SANDY CREEK FARMS, INC.,	)	
(2)	STEVE BARRINGTON,	)	Case No. CIV-20-571-G
(3)	JOHN DOE #1,	)	
(4)	JOHN DOE #2,	)	
(5)	JOHN DOE #3,	)	
(6)	JOHN DOE #4,	)	
		)	
	Defendants.	)	

**PLAINTIFF'S REPLY TO RESPONSE IN OPPOSITION TO PLAINTIFF'S  
REQUEST FOR ENTRY OF DEFAULT**

Plaintiff Strike, LLC (“Strike”) submits this brief by way of reply to the response in opposition to Plaintiff’s request for entry of default (the “Response”) submitted by Sandy Creek Farms, Inc. (“Sandy Creek”) and Steve Barrington (“Mr. Barrington”) (Sandy Creek and Barrington are herein referred to collectively as “Defendants”). While Strike is attempting to serve the Defendants again to avoid further costs and delay, Strike would show the Court the reasons it believed and continues to believe the original service is proper on the Defendants.

**ARGUMENT AND AUTHORITY**

Under Fed. R. Civ. P. 4(e)(2)(A)-(B), an individual, such as Mr. Barrington must be served by “delivering a copy of the summons and of the complaint to the individual personally” or by “leaving a copy of [the summons and a copy of the complaint] at the individual’s dwelling or usual place of abode with someone of suitable age and discretion

who resides there[.]” The Response claims that Mr. Barrington was not served. Response at ¶ 2. However, an authorized process server signed a sworn affidavit stating that he served Steve Barrington, individually, on June 23, 2020. *See* Doc. 7.

Under Fed. R. Civ. P. 4(h)(1)(B), a corporation must be served “by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and—if the agent is one authorized by statute and the statute so requires—by also mailing a copy of each to the defendant[.]” The Response claims that Kay Barrington, the registered agent for Sandy Creek, was not served. Response at ¶ 2. The issue with serving Sandy Creek’s registered agent is that Sandy Creek failed to provide the Oklahoma Secretary of State with a valid address for Kay Barrington. *See* Ex. 1 (a screenshot of the Oklahoma Secretary of State’s site showing an address of RT 1 for Kay Barrington). In addition, it appears that Ms. Barrington passed away on June 15, 2016. *See* Ex. 2 (the obituary for Kay Phyllis (Carroll) Barrington). In any event, the authorized process server swears through affidavit that he served Sandy Creek by serving one of its owners, Steve Barrington. *See* Doc. 6.

Based on these facts, Strike believed and continues believes service is proper on both Mr. Barrington and Sandy Creek. However, as indicated previously, to avoid unnecessary time and expense associated a proper service dispute, Strike is in the process of re-serving Mr. Barrington and Sandy Creek.

Respectfully submitted,

s/Harry "Skeeter" Jordan

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of August, 2020, I electronically transmitted the attached document to the Court Clerk using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/Harry "Skeeter" Jordan

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